

**Remarks**

The undersigned's Remarks are preceded by related comments of the Examiner, presented in small bold-faced type font.

**Claim rejections - 35 USC § 112**

**Claims 1-10 remain rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites a "a computer-readable medium encoded with a data structure for managing transactional information." The claimed computer-readable medium is comprised of a party file, an account file, and a transaction file. While the preamble of claim 1 recites, "for managing transaction information," claims 1-10 do not perform any managing, and therefore it is unclear how managing is performed by the claim invention.**

**(Present Office Action, pg. 2.)**

Applicants have amended claims 1-10 to comply with 35 § USC 112. Claims 1-10 are now drawn to "[a] computer-readable medium encoded with a data structure for causing the computer to manage transaction information, comprising data structure for causing the computer to form" different files. The computer-readable medium encoded with the data structure recited in the claims, is used to cause the computer to manage transaction information files in the manner disclosed in the specification. Applicants respectfully submit that this rejection is now overcome.

**Claim rejections - 35 USC § 101**

**Claims 1-10 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The party file, account file, and transaction file recited in claims 1-10 are not statutory because they are not capable of causing functional change in the computer. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized (MPEP § 2106). While Claim 2 recites, "for managing transaction information," this is regarded as intended use because the managing functionality is not present in the body of the claims.**

**(Present Office Action, pg. 3.)**

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Applicants have hereby amended claims 1-10 to comply with 35 § USC 101. Applicants respectfully submit that this rejection is now overcome, as the claimed data structures manage transaction information by causing a computer to form different files, as recited in the body of the amended claims.

**Claim rejections - 35 USC § 102**

**Claims 1, 11 and 21 remain rejected under 35 U.S.C. 102(a) as being anticipated by Cochrane et al. U.S. Patent No. 6,460,027, as cited in the previous Office Action. (Present Office Action, pg. 3.)**

and

**With respect to Applicant's arguments against the rejection of claims 1, 11, and 21 under 35 U.S.C. 102, Examiner respectfully disagrees. Examiner notes that claim language is given its broadest reasonable interpretation in light of the specification, without reading limitations from the specification into the claims. As cited in the previous Office Action, Cochrane teaches a customer table (party record) containing customer information (party information), wherein the customer is one of a plurality of customers in the database (one of a plurality of parties.) (Present Office Action, pg. 5.)**

In the previous Office Action, the Examiner stated:

**Cochrane discloses a credit card company storing credit card customer information, their credit card accounts, and transactions that customers made. Cochrane describes the "database schema" as having a customer information table, an account information table, and a transaction information table (column 5, lines 47-58), each account record in the account information table having a link to a customer record in the customer information table (column 6, line 18), and each transaction record in the transaction information table having a link to an account in the account information table (column 6, line 35). (Previous Office Action, pg. 4.)**

The Examiner's rejection is respectfully traversed in view of the amendment of claims 1, 11 and 21, which now recite the limitations "each of said plurality of party records including a link to at least another one of said plurality of party records" (claim 1) and "linking each of said plurality of party records to at least another one of said plurality of party records" (claims 11 and 21.) To support a rejection under § 102(a,) the cited prior art of reference must disclose each element of the rejected claim in the manner recited by the claim. Cochrane, however, does not disclose at least the elements of claim 1

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“each of said plurality of party records including a link to at least another one of said plurality of party records” or the elements of claims 11 and 21 “linking each of said plurality of party records to at least another one of said plurality of party records.” In Cochrane’s disclosure, the customer information table does not have a link to at least another customer. Claims 1, 11 and 21 require that each party record have a link to at least another one of said plurality of party records. This is exemplified in Figures 2, 3A and 3B of Applicants disclosure. For at least the reason that the Examiner has not shown that Cochrane teaches or suggests these limitations, a § 102(a) rejection of claims 1, 11 and 21 in light of Cochrane is not supported. It is respectfully requested that the Examiner withdraw this rejection.

**Claim rejections - 35 USC § 103**

**Claims 2-6 and 12-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Cochrane, as cited in the previous Office Action.**  
(Present Office Action, pg. 4.)

**Claims 7-10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cochrane as applied to Claim 1 above, and further in view of Bromley et al. U.S. Patent No. 5,819,263 as cited in the Previous Office Action.**  
(Present Office Action, pg. 5.)

Claims 2-10 depend from independent claim 1, and claims 12-16 depend from independent claim 11, and each defines further features and structure of the computer-readable medium and method, respectively. As such, these claims are patentable for the reasons noted above with respect to claims 1, and 11, as well as for the additional features recited therein.

Moreover, Applicants respectfully traverse the Examiner’s rejection for the additional reason that the Examiner has not established a prima facie case of obviousness. As the MPEP recites:

*“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”*

MPEP § 2142, emphasis added.

Applicants respectfully submit that the Examiner has not established a prima facie case of obviousness because (a) there is no motivation to modify or combine the reference teachings and (b) even if the references were combined, none of the prior art references, alone or in combination, describe or suggest all of the claimed limitations of independent claims 1, 11 and 21.

(a) There is no motivation to modify or combine the reference teachings:

Applicants respectfully submit that the teaching or suggestion to make the claimed combination is not found in either Cochrane or Bromley.

The Examiner has provided the following arguments to support his statement that it would have been obvious to a person of ordinary skill in the art to modify Cochrane in view of Bromley:

**It would be obvious to one skilled in the art at the time of the Applicant's invention to include the group ID field for defining hierarchical relationships in the system and method described by Cochrane, in order to "provide efficient customer service," to "avoid sending duplicate correspondence," to "improve speed of the system", and for "responding to special requests" which are all desirable traits of such a system (Bromley, column 14 lines 55-67). (Previous Office Action, pg. 6.)**

Applicants respectfully submit that the Examiner has not provided an explanation of how Cochrane's system would "provide efficient customer service", "avoid sending duplicate correspondence" and "improve speed of the system" by introducing hierarchical relationships. Applicants respectfully submit that the Examiner relies on Bromley's statements (not Cochrane's), to provide a motivation to modify Cochrane's system with a variable that, according to the Examiner, is taught by Bromley. The Examiner does not explain what would be the motivation of one of skill in the art to combine Bromley with Cochrane.

Cochrane does not discuss sending correspondence. Applicants respectfully submit that the Examiner does not explain how adding a new variable to Cochrane's system would improve its speed or efficiency. In fact, the paragraph from Bromley cited by the Examiner, while referring to grouping parties and "relationship" fields, it does not even mention hierarchical relationships:

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*In a preferred embodiment, for an advisor to provide efficient customer service, these parties are organized into GROUPs. Grouping the parties allows an advisor to avoid sending duplicate correspondence to related people or organizations. To improve the speed of the system, grouping also eliminates duplicate address fields in the database. Furthermore, the grouping of parties allows an advisor to respond to special requests from individual parties. For example, after two people go through a divorce, each of the people typically request separate statements to be sent to separate addresses. The grouping of clients, along with relationship fields, allows an advisor to efficiently respond to this request.*

(Bromley, col. 14, lines 55-67)

Applicants respectfully submit that the Examiner has not provided an explanation for what would be the motivation of one of skill in the art to combine Bromley with Cochrane.

Furthermore, Applicants respectfully submit that, as Applicants discuss in the Background section of the Specification (pg. 1-4), Applicants' invention is drawn to improve trade processing for institutional clients, which faces particular problems. Applicants respectfully submit that one of skill in the art, if faced with the same problems would unlikely resort to combine Cochrane and Bromley to find the appropriate solutions, since neither of these references deal with trade processing for institutional clients. Applicants respectfully submit that this appears to be a case in which the Examiner's conclusion of "obviousness" is merely based on an application of hindsight reasoning gained by the Examiner's review of the present application. Such hindsight reasoning is impermissible.

As the MPEP notes:

*"The tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art."*

MPEP § 2142; and

*"When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:(...)  
(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention (...) Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986)."*

MPEP § 2141 II

Thus, Applicants respectfully submit that the Examiner's conclusion that it would have been obvious to one of ordinary skill in the art is unsupported by the cited Cochrane and Bromley references.

(b) Even if the references were combined, none of the prior art references, alone or in combination, describe or suggest all of the claimed limitations of the present invention:

Even if there was a motivation for one of skill in the art to combine Cochrane and Bromley, Bromley does not cure the defects of Cochrane discussed earlier at least in respect to teaching the limitations of independent claims 1, 11 and 21. Bromley teaches a financial planning system incorporating relationship and group management. Bromley teaches that the system is designed to "allow coordinated consultation based not only on an individual's demographic information, but also on the individual's relationships to others, people and organizations are arranged into client groups and prospect groups." Bromley describes his system by presenting different "screen views" of the system, each having different drop down menus and keys. However, Bromley does not teach how and/or if the data in the database of the system are organized into the files and records as claimed by Applicants. The only discussion of database organization in Bromley is presented in the claims (e.g. claims 1 and 18.) In claim 1, Bromley describes the structure of the database in the following manner:

*"1. A system for grouping consumers into marketable segments for improved financial advising by a financial advisor, said system comprising:*

*a computing device configured to operate a financial planning application program, said computing device having at least one local database configured to include data fields including at least one of local data fields, client data fields, prospect data fields, person data fields, group data fields and organization data fields;*

*each of said consumers having a plurality of local data fields associated therewith wherein each of said local data fields is configured to contain demographic and financial information related to each of said consumers;*

*(...)*

*a plurality of person data fields, wherein each person data field is configured to include a subset of said consumers having local data fields which are classified as a specific person of said financial advisor, wherein said person data field includes a unique person ID, said person data field configured to include consumers having similar local data fields to allow coordination and manipulation of consumers within said person data field;*

a plurality of group data fields, wherein each group data field is configured to include a subset of said consumers having local data fields which are classified in a specific group of said financial advisor, wherein said group data field includes a unique group ID, said group data field configured to include consumers having similar local data fields to allow coordination and manipulation of consumers within said group data field; and,

a plurality of organization data fields, wherein each organization data field is configured to include a subset of said consumers having local data fields which are classified in a specific organization of said financial advisor, wherein said organization data field includes a unique organization ID, said organization data field configured to include consumers having similar local data fields to allow coordination and manipulation of consumers within said organization data field."

(Bromley, claim 1, emphasis added)

While Bromley's teaching of data structure is poorly defined, as such is limited to the description provided in the claims, it is nonetheless clear that Bromley's data structure is not that claimed by Applicants'. Moreover, Bromley, by teaching that the database has person data fields, group data fields and organization data fields, each configured to include a subset of consumers having local data fields, not only teaches away from Applicants' claimed invention, but it fact it does not support the Examiner's statement that:

**Official notice is taken that it is old and well known in the art that in a database structure, records may have any number of fields containing information pertaining to said records. The parties of claims 2-6 and 12-16 represent the Applicant's intended use. Therefore, it would be obvious to one of normal skill in the art to include any fields within each party record, which are required for the database's intended use and operation.**

(Previous Office Action, pg. 5.)

While Bromley's database structure is poorly defined, it is clear that it is different from that of Applicants', supporting the fact that it would not have been "obvious to one of normal skill in the art to include any fields within each party record, which are required for the database's intended use and operation." A database can be structured in different manners in order to carry out its intended use and operation. Furthermore, Applicants respectfully submit that, as stated in Applicants' response to the Previous Office Action, the intended use of Applicants' database did not exist prior to Applicants' invention.

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Applicants also respectfully submit that if a hierarchy is a ranked order, as the Examiner has defined the term, a mother/daughter relationship is not “hierarchical” per se. For example, in the event a mother is disabled, a daughter may be above the mother in authority and access in relation to an account. The opposite can also be true, a mother may be above the daughter in authority and access in relation to an account. The authority and access can be exerted by one or the other. Therefore, while a mother/daughter relationship defines a family type of relationship, it does not per se define a hierarchical relationship. Applicants’ respectfully disagree with the Examiner’s statement, for which he does not cite support in Bromley’s disclosure, that “Bromley describes the mother as being above the daughter in authority and access, in relation to the account.”

For the foregoing arguments, notice to the effect that dependent claims 2-10 and 12-16 are in condition for immediate allowance is respectfully requested.



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**Closing**

Claims 1-16 and 21 have been amended. Claims 1-16 and 21 are now pending and believed to be in condition for allowance. Applicants respectfully request that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

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Respectfully submitted,



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